

Re: Formal Response to Case Closure – OCR Case No. 24-585169

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VIA ELECTRONIC MAIL

Amelia Colomb
Olmstead and Community Integration Enforcement Analyst
Office for Civil Rights
U.S. Department of Health and Human Services
amelia.colomb@hhs.gov

Mordecai Y. Simha
Olmstead and Community Integration Senior Manager
Office for Civil Rights
U.S. Department of Health and Human Services

James Toews
Management Analyst
Office for Civil Rights
U.S. Department of Health and Human Services

Avni Jagarlapudi
Former Olmstead and Community Integration Enforcement Analyst
Office for Civil Rights
U.S. Department of Health and Human Services

Re: Formal Response to Case Closure – OCR Case No. 24-585169

Mr. Simha, Dear Ms. Colomb, Mr. Toews, and Ms. Jagarlapudi:

I am writing in response to your letter notifying me of the closure of **OCR Case No. 24-585169**, which investigated violations under the **Olmstead Act, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act** regarding the **Kentucky Department for Medicaid Services**.

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The closure of this case **without a substantive review** is a **direct violation of federal law** and **raises serious concerns regarding procedural fairness, due process, and OCR’s enforcement obligations.**

Failure to Conduct a Legally Required Investigation

Your letter states that OCR has **closed this case without issuing substantive findings**, despite the fact that:

1. **I was explicitly required to sign a formal complaint form before the investigation commenced**, which OCR accepted and acknowledged (attached again for reference).
2. **OCR is legally obligated under the Olmstead Act, ADA, and Section 504 to conduct a thorough and impartial investigation** into disability discrimination claims.
3. **OCR failed to review critical evidence and did not provide a mechanism to challenge the closure or seek reconsideration**, which constitutes a fundamental denial of due process.

Olmstead Act Violation:

The **Olmstead Act (Olmstead v. L.C., 527 U.S. 581 (1999))** mandates that states provide services to individuals with disabilities in the least restrictive environment possible. By refusing to investigate a **systemic failure to comply with Olmstead**, ***OCR has abdicated its duty to enforce this landmark decision.***

ADA Violation:

Title II of the **Americans with Disabilities Act (ADA) (42 U.S.C. § 12132)** prohibits public entities from discriminating against individuals with disabilities. Your decision to close this case **without substantive review** effectively ***allows the Kentucky Department for Medicaid Services to continue violating ADA requirements without consequence.***

Section 504 Violation:

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The **Rehabilitation Act of 1973 (29 U.S.C. § 794)** requires all federally funded programs, including Medicaid, to provide equal access and services to individuals with disabilities. By refusing to investigate and failing to issue **any substantive findings**, OCR has facilitated **noncompliance with federal anti-discrimination laws**.

Improper Reassignment of Investigatory Oversight

Additionally, there was **an unexplained and procedurally irregular reassignment of case oversight**, with Ms. Avni Jagarlapudi initially handling the investigation along with James Toews, followed by an abrupt transition to Ms. Colomb investigating with Mr. Toews – or at least that is what I was told although most evidence was not ever viewed by investigators.

- **Ms. Colomb was simultaneously listed as an "Olmstead and Community Integration Enforcement Analyst at HHS OCR" and as an "Attorney Advisor at OMHA."** OMHA does not have jurisdiction over civil rights enforcement under Olmstead, ADA, or Section 504, raising **serious conflicts of interest and improper handling concerns**.
- **Mr. Toews, whose title as a "Management Analyst" suggests an administrative role rather than investigative authority**, was directly involved in the closure decision. His participation raises concerns about whether non-investigatory personnel improperly influenced a civil rights investigation, or potentially he could also have dual roles.

The **arbitrary transfer of oversight without justification and the procedural mishandling of this case reflect systemic misconduct within OCR** that warrants immediate review.

Request for Immediate Reconsideration and Emergency Review

Due to the **severe impact of this improper case closure and its direct violation of federal law**, I formally request the following actions:

1. **Immediate Reopening of OCR Case No. 24-585169**
 - OCR must **reinstate and complete a full, independent investigation** in compliance with federal disability rights laws.

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- Provide updates to me weekly via email – with this being a real and true investigation this time.
- Complete the investigation within 30 days.

2. Escalation to the U.S. Department of Justice (DOJ) and Office of Inspector General (OIG)

- Given the procedural irregularities and potential conflicts of interest, this case should be **referred to the DOJ and OIG for an independent emergency review.**

3. Full Disclosure of the Investigatory Record

- I request all **internal communications and decision-making records related to the closure of this case**, including justification for ignoring dozens of pieces of key evidence.

4. Formal Sanctions Against Responsible OCR Officials

- Immediate investigation into the conduct of **Amelia Colomb, James Toews, Avni Jagarlapudi, and Mordecai Simha** regarding their **failure to conduct a proper investigation, procedural suppression, and denial of due process.**

5. Deadline for OCR Response

- **I request a formal response within 3 business days.** Failure to respond will result in additional legal escalation.

Legal Consequences of Non-Compliance

If OCR refuses to reopen this case, this matter will be incorporated further into additional **legal actions and federal oversight requests against HHS OCR, including but not limited to possible litigation for failure to uphold federally mandated enforcement responsibilities.** An example would be **requesting Congressional and federal agency review of OCR's systemic failure to enforce disability rights protections.**

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The closure of this case without a substantive review...

.... violates **the very laws OCR is required to enforce....**

I urge your office to reconsider this decision immediately and provide a meaningful response.

I expect an acknowledgment of this letter within three (3) days and a full response within seven (7) days.

Sincerely,

John R. Fouts, MBA, Pro Se

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